

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CH ROBINSON WORLDWIDE, INC.,

Civil No. 1:10-cv-1601 (ADM/JSM)

Judge: DAN A. POLSTER

Plaintiff,

v.

MAXXUM GROUP, LLC, Tetrapoly, LLC,
Alex and Debra Kowalski, Peter Kowalski,
Brian Donahue, Tim Carter and Andrew
Kowalski

**PLAINTIFF'S NOTICE OF
WITHDRAWAL OF ITS MOTION TO
ENFORCE THE SETTLEMENT
AGREEMENT**

Defendants.

Plaintiff, CH ROBINSON WORLDWIDE, INC. (hereafter "Plaintiff"), hereby notifies the Court and counsel of its withdrawal of its pending Motion to Enforce Settlement Agreement (Doc # 42). On September 9, 2011, Plaintiff filed a Motion to Enforce Settlement Agreement pertaining to Defendants Tetrapoly, LLC, Brian Donahue, Andrew Kowalski, and Matthew Kowalski (collectively "Tetrapoly"). An Order to Show Cause Hearing has been scheduled for Monday, October 3, 2011. (Doc # 43). Plaintiff and Tetrapoly have resolved their outstanding issues and entered into a subsequent Settlement Agreement and Release.

Plaintiff reserves the right to reinstate its Motion to Enforce Settlement Agreement should Tetrapoly fail to meet the conditions of the current Settlement Agreement and Release. Plaintiff respectfully requests the Court cancel the Order To Show Cause Hearing presently scheduled for Monday, October 3, 2011 and dismiss this matter without prejudice.

Dated this September 29, 2011.

VIRTUS LAW, P.L.L.C.

s/ Nathan W. Nelson

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

Plaintiff's Notice of its Withdrawal of its Motion to Enforce Settlement Agreement was filed electronically with the Court on September 29, 2011. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

s/ Nathan W. Nelson
Nathan W. Nelson (No. 0347401)
Attorney for Plaintiff